**Approved 1/24 w/ edits**

**Town of Lenox**

**Planning Board**

**Meeting Minutes**

**November 22, 2022**

**Hybrid**

**Documents available before meeting:**

* 11/19 version of proposed wireless zoning bylaw
* Suggested revisions and edits from Kate McNulty-Vaughan
* Suggested revisions from Courtney Gilardi
* Maps prepared by Town Planner Gwen Miller

**In attendance, in-person:** Tom Delasco, Gwen Miller (staff), Susan May, Amy Judd

**Via zoom:** Planning Board members Pam Kueber, Susan Lyman, Kate McNulty-Vaughan David Maxson, Joel Bard, Amelia Coco Gilardi, Amy Sternlieb, Carol Rasmey, Cecelia Doucette, Clarence Fanto, Diane Sheldon, Sandy Panzella, Scott Barrow, Sonya Bykofsky

TD stated the group was convening to approve revisions to the proposed zoning bylaw being brought to the Special Town Meeting on December 8th, 2022. The meeting began shortly after 6 p.m.

He had a statement to start things off—he said the work to date had been exhaustive and exhausting. The Board takes their role seriously, and he was very disappointed and resentful of insinuations made by members of the public that members of the Planning Board and their consultants were in cahoots with the wireless industry. He knows the issue is emotionally charged but hopes the rhetoric can be calmed down and that everybody can remain civil. He knows not everybody will be happy at the end of this but wants the process and discourse to be civil.

He also asked people to wait till public comment to make their opinions known; those who interrupt will be removed from the meeting.

TD explained the Planning Board had asked for some additional mapping to demonstrate what happens as the setbacks grow in distance. HE noted the board is not designing the network; they are just thinking of hypothetical locations. The maps depict three hypothetical locations: Kennedy Park, behind the water tank; the future site of the public safety complex owned by the Town across from the Caligari Hardware store, and the Wastewater Treatment Plant property on Crystal Street in Lenox Dale.

The maps depict setbacks of 100’, 500’ and 1,000’. PK clarified the mapping helps them figure out how to not effectively prohibit wireless in Lenox. As Tom talked through the maps, it became clear that 500’ begins to really restrict potential locations; the 1,000’ or greater starts to effectively prohibit wireless in the town. The maps depict why the group had settled on a 250’ setback in the proposed zoning bylaw language.

David Maxson explained some of the thinking behind the potential locations, including height considerations of the sites and how high the tower might need to be. He pointed out that even the 500’ setbacks will be hard to meet in some of the denser locations such as Lenox Dale.

KMV commented that she had thought about prohibiting colocation on residential buildings thinking about property values. She suggested they allow colocation on non-residential buildings but not on residential buildings. TD said he had thought of prohibiting collocation in the C, R-15 and R-30 district. KMV did not want a blanket prohibition in those zoning district. She thought there were opportunities to allow on non-residential structures and buildings.

David Maxson suggested they go to the table of preferences in the recommended zoning bylaw. This would reduce the level of preference for colocation on residential buildings but allow for it in the right context. He suggested the group make it a preference to avoid residential buildings versus making a blanket prohibition.

The discussion continued with Joel Bard also weighing in on how to best address restricting colocation to non-residential structures. The group agreed on language to make it clear that collocation is most desired on non-residential structures and is least desirable on residential structures. This would allow for larger residential parcels where a colocation would be innocuous.

There was discussion about the height limits for structures—35' in residential areas; 50’ in commercial zones, and how this might impact the viability of collocation in certain neighborhoods.

The group discussed some language revisions—including how to incorporate health and public safety in a way that does not conflict with the federal oversight which restricts localities from using health as a determining factor in wireless communications facilities siting.

Kate also had revisions to what form and appearance towers could take. The group discussed mono-pines, and how well sited some towers are in the region—they are difficult to see. Pam Kueber suggested appearance and form be looked at a case by case basis, with an eye toward the aesthetic.

Sue Lyman and Pam Keuber had some edits focused on grammar; Pam had some other revisions.

The Planning Board also went through the suggested revisions from Courtney Gilardi. Many of them were already in the suggested zoning bylaw; he did consider an exclusion of school properties—Susan Lyman pointed out that Ms. Gilardi’s proposal only mentions the two public schools in Town, but the bylaw would need to address public and private schools. The group discussed this at length. Pam said she has seen this in other zoning bylaws, but there is a “wink, wink, nudge, nudge” approach in the industry to no locate on school, childcare facilities. Sue was worried abt inequity toward other groups. David and Joel suggested this is a proxy for regulating perceived health effects; and that the planning board should map setbacks from school buildings in Lenox to see what it would do. David cautioned that distance is not a good proxy for health effects and that it is a meaningless protection. Group agreed to consider for next meeting. Further discussion about what constitutes a school—what about camps? Residential schools? The flexibility of where childcare facilities and schools can be located was also highlighted—the location of schools today may be different in the future.

Courtney Gilardi also talked about how a sign at the proposed location of a wireless facility would help provide more notice to neighborhoods. KMV thought this was more onerous than other Special Permit applications and processes. Joel suggested it would be ok. Courtney Gilardi said she would send examples of the signage. There was more discussion about how the ZBA notifies abutters of site visits.

Courtney Gilardi also brought up a commercial liability insurance requirement; Pam said she had watched a video by Andrew Campanelli where he said that this insurance did not exist and could not be required in a local zoning bylaw. Pam reiterated there is no insurance for health claims from RF emissions. KMV seconded this, having heard a similar statement from one of the experts recommended by Ms. Gilardi. `

Planning Board discussed Determination of Need section with David Maxson; Pam stated they had worked hard on that provision and was comfortable with it.

Pam asked Joel Bard to weigh in on what abutters and concerned community members will be able to do if they are unhappy with ap proposed facility and facility location. Joel outlined the Special Permit process and notification standards, and how people could make their opinions and concerns known, and also how they could challenge the decision of the Zoning Board through an appeal process.

At 8:50, Tom Delasco opened the floor to public comments.

Susan May of Turnure Terrace, Old Stockbridge Road, asked about the process for unhappy tenants or property owners. Susan went on for some time on the process that lead to the Curtis roof being considered as a location for antennae. Expressed concerned there could be more than one.

David Maxson suggested the Selectboard bring forward town owned properties to Town Meeting to grant them authority to enter leases or negotiations with developers if there is a suitable site.

Sonya Bykosfky wondered why the Kennedy Park location was mentioned if there already was an antenna in the Church on the Hill steeple. She hoped there would be an exemption put in for schools.

Amelia Gilardi, age 14, East Street asked what the Town would do if residents are harmed or sickened by a wireless facility, describing her experience at her former residence in Pittsfield.

Amy Judd asked how people determine if harm and illness is caused by wireless facilities. Joel explained epidemiology is very complicated and takes time to prove links.

Tom thanked everybody and the meeting adjourned at 9:20 p.m.

Prepared by Gwen Miller

January 2023